

**United States Bankruptcy Court
For the Eastern District of Texas
Sherman Division**

IN RE:)	Case No. 03-44976
)	
DIANE E. FOLEY)	
)	
Debtor(s))	Chapter 7

Trustee's Final Report, Application for Compensation,
and Report of Proposed Distribution

CHRISTOPHER J. MOSER, the Trustee of the estate of the above named debtor(s), certifies under penalty of perjury, to the Court and United States Trustee, that the trustee has faithfully and properly fulfilled the duties of his office, that the trustee has examined all proofs of claim as appropriate in preparation for the proposed distribution, and that the proposed distribution attached hereto is proper and consistent with the law and rules of the Court. The Trustee applies for the commissions and expenses set forth herein and states that they are reasonable and proper.

I hereby authorize the Office of the United States Trustee to file by electronic means this Trustee's Final Report, Application for Compensation and Report of Proposed Distribution on my behalf, and I agree and acknowledge that the designation of my signature on this document, once filed, constitutes my valid signature for the purposes of 11 U.S.C. §704(9) and Fed. R. Bankr. Pro. 9011.

Therefore, the Trustee requests that the Final Report, Application for Compensation, and Report of Proposed Distribution be approved.

Date: January 19, 2006

/s/ Christopher J. Moser, Trustee
Christopher J. Moser, Trustee

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	
	§	CASE NO. 03-44976
DIANE FOLEY	§	(Chapter 7)
	§	
DEBTOR(S)	§	

TRUSTEE'S FINAL REPORT AND APPLICATION TO CLOSE
CASE AND DISCHARGE TRUSTEE

The Trustee of the estate presents the following final report:

1. The Trustee applies for commissions and expenses set forth in Schedule A and states: That they are reasonable and proper; that in the course of the performance of duties, the Trustee has advanced monies from personal funds for expenses, and the Trustee has not been reimbursed.
2. The Trustee submits Form I. as a summary of the assets and an estate property record. Any property scheduled under 11 U.S.C. Sec. 521(1) and not administered shall be deemed abandoned pursuant to 11 U.S.C. Sec. 554 (c).
3. The Trustee has reduced all assets of this estate to cash or otherwise lawfully disposed of them and the estate is ready to be closed.
4. The Trustee submits Form II. as the account of estate cash receipts and disbursements.
5. There is no agreement or understanding between the Trustee and any other person for a division of the compensation sought by this application except as permitted by the Bankruptcy Code.
6. The Trustee requests approval of this final report.
7. The Trustee has examined each and every claim filed and noted his approval of claims as filed, or he has filed objections to allowance or requests for reclassification.

SCHEDULE A-1

03-44976 DIANE FOLEY

A. Receipts----- \$7,960.38

B. Disbursements

1. Secured Creditors----- \$0.00

2. Administrative----- \$3,781.00

3. Priority----- \$0.00

4. Other----- \$0.00

Total Disbursements----- \$3,781.00

C. Current Balance----- \$4,179.38

FORM 1
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT
ASSET CASES

Page: 1

Case No: 03-44976 BTR Judge: BRENDA T. RHOADES
Case Name: FOLEY, DIANE E

Trustee Name: CHRISTOPHER J. MOSER
Date Filed (f) or Converted (c): 10/28/03 (f)
341(a) Meeting Date: 11/26/03
Claims Bar Date: 04/22/04

For Period Ending: 01/19/06

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Abandoned OA=554(a) Abandon DA=554(c) Abandon	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1. Judgment - Brian Brown (u) Prior to bankruptcy, debtor obtained a judgment against Brian Brown, secured by a lien upon his interest in the homestead of Pam Cox.	24,000.00	18,000.00		7,940.00	FA
2. 12225 Ranch Road, Argyle, TX Debtor Claimed 100% Exemption on Schedule C	485,000.00	0.00		0.00	FA
3. Checking Account	305.71	0.00	DA	0.00	FA
4. HOUSEHOLD GOODS Debtor Claimed 100% Exemption on Schedule C	2,425.00	0.00		0.00	FA
5. WEARING APPAREL Debtor Claimed 100% Exemption on Schedule C	250.00	0.00		0.00	FA
6. FURS AND JEWELRY Debtor Claimed 100% Exemption on Schedule C	45.00	0.00		0.00	FA
7. FIREARMS AND HOBBY EQUIPMENT Debtor Claimed 100% Exemption on Schedule C	25.00	0.00		0.00	FA
8. INSURANCE POLICIES Life Insurance Debtor Claimed 100% Exemption on Schedule C	1.00	0.00		0.00	FA
9. IRA Debtor Claimed 100% Exemption on Schedule C	84,000.00	0.00		0.00	FA
10. PARTNERSHIPS 100% ownership of d/b/a Finishes	1.00	0.00	DA	0.00	FA
11. ACCOUNTS RECEIVABLE d/b/a Finishes account receivable of \$3,200.00 from Dallas Area Rapid Transit	3,200.00	0.00	DA	0.00	FA
12. 1984 Mercedes 500 SEC Debtor Claimed 100% Exemption on Schedule C	500.00	0.00		0.00	FA
13. 2002 Chevrolet C1500	14,425.00	0.00	DA	0.00	FA

**FORM 1
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT
ASSET CASES**

Page: 2

Case No: 03-44976 BTR Judge: BRENDA T. RHOADES
Case Name: FOLEY, DIANE E

Trustee Name: CHRISTOPHER J. MOSER
Date Filed (f) or Converted (c): 10/28/03 (f)
341(a) Meeting Date: 11/26/03
Claims Bar Date: 04/22/04

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Abandoned OA=\$54(a) Abandon DA=\$54(c) Abandon	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
no equity					
14. MACHINERY AND SUPPLIES					
Debtor Claimed 100% Exemption on Schedule C	200.00	0.00		0.00	FA
15. ANIMALS					
Debtor Claimed 100% Exemption on Schedule C	20.00	0.00		0.00	FA
INT. Post-Petition Interest Deposits (u)	Unknown	N/A		20.38	Unknown

TOTALS (Excluding Unknown Values) \$ 614,397.71 \$ 18,000.00 Gross Value of Remaining Assets \$0.00
(Total Dollar Amount in Column 6) \$ 7,960.38

Major activities affecting case closing which are not reflected above, and matters pending, date of hearing or sale, and other action:

Quilling, Selander, Cummiskey & Lownds, P.C. is employed to represent the trustee. The trustee is a partner in the same firm. Prior to bankruptcy, debtor obtained a judgment against Brian Brown (item #1), secured by a lien upon his interest in the homestead of Pam Cox. On March 11, 2004, Order Approving Settlement Agreement was granted, allowing Mr. Brown to pay the Trustee the amount of \$18,000.00 to satisfy asset item # 1. On April 5, 2005, Order Directing Bankruptcy Rule 2004 Examination of Brian Brown was granted. On Aug. 1, 2005, Order Compelling Brian Brown to Comply with Order & Awarding Sanctions was granted. On Nov. 23, 2005, Order Granting Motion to Approve Settlement Agreement with Brian Brown was entered, allowing a total payment amount of \$7,940.00 for item # 1. All proofs of claim orders have been entered. A tax return is not necessary.

Initial Projected Date of Final Report (TFR): 12/31/05 Current Projected Date of Final Report (TFR): 01/19/06

FORM 2

Page: 1

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 03-44976 -BTR
Case Name: FOLEY, DIANE E

Trustee Name: CHRISTOPHER J. MOSER
Bank Name: BANK OF AMERICA, N.A.
Account Number / CD #: *****6945 BofA - Money Market Account

Taxpayer ID No: *****5156
For Period Ending: 01/19/06

Blanket Bond (per case limit): \$ 300,000.00
Separate Bond (if applicable):

1	2	3	4	5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Disbursements (\$)	Account / CD Balance (\$)
04/26/04	1	Kim or Brian Brown 8466 Crestview Rd. Sanger, TX 76266	Settlement	1249-000	3,000.00	3,000.00
04/30/04	INT	BANK OF AMERICA, N.A.	Interest Rate 0.100	1270-000	0.02	3,000.02
05/28/04	INT	BANK OF AMERICA, N.A.	Interest Rate 0.100	1270-000	0.25	3,000.27
06/30/04	INT	BANK OF AMERICA, N.A.	Interest Rate 0.100	1270-000	0.25	3,000.52
07/30/04	INT	BANK OF AMERICA, N.A.	Interest Rate 0.100	1270-000	0.25	3,000.77
08/31/04	INT	BANK OF AMERICA, N.A.	Interest Rate 0.100	1270-000	0.26	3,001.03
09/30/04	INT	BANK OF AMERICA, N.A.	Interest Rate 0.100	1270-000	0.25	3,001.28
10/29/04	INT	BANK OF AMERICA, N.A.	Interest Rate 0.100	1270-000	0.25	3,001.53
11/30/04	INT	BANK OF AMERICA, N.A.	Interest Rate 0.100	1270-000	0.25	3,001.78
12/31/04	INT	BANK OF AMERICA, N.A.	Interest Rate 0.100	1270-000	0.25	3,002.03
01/31/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.100	1270-000	0.25	3,002.28
02/28/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.250	1270-000	0.58	3,002.86
03/31/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.250	1270-000	0.64	3,003.50
04/29/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.250	1270-000	0.62	3,004.12
05/31/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.250	1270-000	0.64	3,004.76
06/30/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.250	1270-000	0.62	3,005.38
07/29/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.250	1270-000	0.64	3,006.02
08/31/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.600	1270-000	1.53	3,007.55
09/28/05	1	WINTER MOTOR CO., INC. (BRIAN BROWN) 1513 JACKSBORO HWY. FORT WORTH, TX 76114	SETTLEMENT	1249-000	4,940.00	7,947.55
09/30/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.600	1270-000	1.56	7,949.11
10/31/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.600	1270-000	4.05	7,953.16
11/28/05	000301	QSC&L 2001 Bryan Street, Suite 1800 Dallas, Texas 75201	Per Order Entered on 11/23/05 Attny's Fees & Expenses	3110-000	3,781.00	4,172.16
11/30/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.600	1270-000	3.86	4,176.02
12/30/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.600	1270-000	2.12	4,178.14

Page Subtotals

7,959.14

3,781.00

FORM 2

Page: 2

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 03-44976 -BTR
Case Name: FOLEY, DIANE E

Trustee Name: CHRISTOPHER J. MOSER
Bank Name: BANK OF AMERICA, N.A.
Account Number / CD #: *****6945 BofA - Money Market Account

Taxpayer ID No: *****5156
For Period Ending: 01/19/06

Blanket Bond (per case limit): \$ 300,000.00
Separate Bond (if applicable):

1	2	3	4	5	6	7	
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
01/19/06	INT	BANK OF AMERICA, N.A.	INTEREST REC'D FROM BANK	1270-000	1.24		4,179.38
01/19/06		Transfer to Acct #*****4321	Final Posting Transfer	9999-000		4,179.38	0.00

COLUMN TOTALS	7,960.38	7,960.38	0.00
Less: Bank Transfers/CD's	0.00	4,179.38	
Subtotal	7,960.38	3,781.00	
Less: Payments to Debtors		0.00	
Net	7,960.38	3,781.00	

Page Subtotals

1.24

4,179.38

FORM 2

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 03-44976 -BTR
Case Name: FOLEY, DIANE E

Trustee Name: CHRISTOPHER J. MOSER
Bank Name: BANK OF AMERICA, N.A.
Account Number / CD #: *****4321 BofA - Checking Account

Taxpayer ID No: *****5156
For Period Ending: 01/19/06

Blanket Bond (per case limit): \$ 300,000.00
Separate Bond (if applicable):

1	2	3	4	5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$) Disbursements (\$)	Account / CD Balance (\$)
01/19/06		Transfer from Acct #*****6945	Transfer In From MMA Account	9999-000	4,179.38	4,179.38

COLUMN TOTALS
Less: Bank Transfers/CD's 4,179.38 0.00
Subtotal 4,179.38 0.00
Less: Payments to Debtors 0.00 0.00
Net 0.00 0.00

TOTAL - ALL ACCOUNTS
BofA - Money Market Account - *****6945 7,960.38 3,781.00
BofA - Checking Account - *****4321 0.00 0.00

NET DISBURSEMENTS 3,781.00
ACCOUNT BALANCE 0.00
4,179.38

7,960.38 3,781.00
4,179.38

(Excludes Account Transfers) (Excludes Payments To Debtors)
Total Funds On Hand

SCHEDULE B 03-44976 DIANE FOLEY

TRUSTEE COMPENSATION:

Total Receipts =	\$7,960.38
Amount Returned to Debtor =	\$0.00
Total Receipts less Amount Returned to Debtor =	\$7,960.38
25% of first \$5,000.00 =	\$1,250.00
10% over \$5,000.00 & under \$50,000.00 =	\$296.04
5% over \$50,000.00 & under \$1,000,000.00 =	\$0.00
3% over \$1,000,000.00 =	\$0.00
Total Trustee Fees =	\$1,546.04

UNREIMBURSED EXPENSES: (SEE EXHIBIT "A")

Paralegal Time	0.00
Copies	0.00
Postage	0.00
Secretarial	0.00
Certified Order	0.00
Certified Mail	0.00
Travel	0.00
Federal Express	0.00
Recording Fees	0.00
Premium on Bond	<u>0.00</u>
TOTAL UNREIMBURSED EXPENSES =	0.00

RECORDS:

Trustee did not take possession of business or personal records of debtor.

X

Trustee did take possession of business or personal records of debtor.

Notice given to debtor on _____
to pick up business or personal records in hands of Trustee. If not picked up within 30 days such records or work files may be destroyed.

Exhibit "A"
Expenses

Paralegal Time:

Setup New Bank Accts
Preparation of Deposits
Request Bar Date
Reconcile Bank Balance
Trustee's Final Report
Distribution Checks
Trustee's Final Account

<u>Time</u>	<u>Expense at \$30 / hr</u>	<u>Expense at \$60 / hr</u>	<u>Total Expense</u>
0	0.00		0.00
0	0.00		0.00
0	0.00		0.00
0	0.00		0.00
0		0.00	0.00
0		0.00	0.00
0		0.00	0.00

Total Paralegal Time

0.00 0.00 0.00

Copies, Postage, Secretarial & Supplies:

Certified Mail of Tax Return
Data Entry for Form 1
Distribution Checks (quantity = 8)
Banking Folders & Supplies

<u>No. of Copies</u>	<u>Cost of Postage</u>	<u>Secretarial Hours</u>	<u>Certified Order</u>	<u>Certified Mail</u>	<u>Supplies</u>
--------------------------	----------------------------	------------------------------	----------------------------	---------------------------	-----------------

Column Totals

0 0.00 0.00 0.00 0.00 0.00

Paralegal Time	0.00
Copies = \$0.25 each	0.00
Postage	0.00
Secretarial @ \$15.00 per hr	0.00
Certified Order	0.00
Certified Mail	0.00
Supplies	0.00
Federal Express	0.00
Recording Fees	0.00
Premium on Bond	0.00
Grand Total =	\$0.00

SCHEDULE C
EXPENSES OF ADMINISTRATION

03-44976 DIANE FOLEY

	<u>AMOUNT CLAIMED</u>	<u>AMOUNT PAID</u>	<u>AMOUNT DUE</u>
1 11 U.S.C. Sec 507(a)(1) <u>Court Cost & Fees</u> A. Notice & Claim Fees B. Adv. Filing Fees C. Quarterly Chapt 11			
2 11 U.S.C. Sec 503(b)(1)(a) <u>Preservation of Estate</u> A. Transportation B. Storage C. Wages D. Estates share FICA E. Watchman F. Insurance G. Upkeep H. Advertising I. Expenses in Sale of Real Estate J. Trustee's Bond			
3 11 U.S.C. Sec 503(b)(2) <u>Post-Petition Taxes and Related Penalties</u>			
4 11 U.S.C. Sec 503(b)(2) <u>Compensation and Reimbursement</u> A. Trustee Fees B. Trustee Expenses C. Attorney to Trustee D. Expenses for Attny to Trustee E. Attorney to Debtor F. Expenses for Attny to Debtor G. Auctioneers Fees H. Auctioneers Expenses I. Appraiser J. Accountant Fees K. Accountant Expense	1,546.04 0.00 3,781.00 0.00 0.00 0.00 0.00 0.00	0.00 0.00 3,781.00 0.00 0.00 0.00 0.00 0.00	1,546.04 0.00 0.00 0.00 0.00 0.00 0.00 0.00
5 11 U.S.C. Sec 503(b)(3) <u>Expenses of Creditors or Committees</u>			
6 11 U.S.C. Sec 503(b)(4) <u>Compensation of Professionals for Creditors or Committees</u>			
7 Other			
TOTAL	\$5,327.04	\$3,781.00	\$1,546.04

SCHEDULE D**03-44976 DIANE FOLEY****PRIORITY CLAIMS OTHER THAN ADMINISTRATIVE EXPENSES
IN THE FOLLOWING ORDER OF PRIORITY**

	(1) Claim <u>No.</u>	(2) Amount <u>Claimed</u>	(3) Amount <u>Allowed</u>	(4) Amount <u>Paid</u>	(5) Amount <u>Due</u>
1	For Credit Extended Sec 364(e)(1)				
2	Claims from Failure of adequate protection Sec. 307(a)(b)				
3	"Gap Claims" Sec. 507(a)(2)				
4	Wages,etc. Sec. 507(a)(3)				
5	Contributions to benefit plans Sec. 507(a)(4)				
6	Engaged in raising of grain or fisherman Sec. 507(a)(5)				
7	Consumer Deposits Sec. 507(a)(6)				
8	Alimony or Support or Child; Sec. 507(a)(7)				
9	Taxes Sec. 507(a)(8)				

TOTAL ALLOWED PRIORITY CLAIMS: \$0.00

SCHEDULE E 03-44976 DIANE FOLEY

SECURED CLAIMS

Claim		(1)	(2)	(3)	(4)	(5)
<u>No.</u>	<u>Creditor</u>	Amount of	Amount not	Amount	Amount	Amount
		<u>Claim</u>	<u>Determined</u>	<u>Allowed</u>	<u>Paid</u>	<u>Due</u>

Total of ALLOWED Secured Claims: \$0.00

Total UNSECURED CLAIMS Allowed: \$68,622.84

Eastern District of Texas Claims Register

03-44976 Diane E. Foley
Honorable Brenda T. Rhoades
Debtor Name: FOLEY,DIANE E.

Claim No: 1	Creditor Name: Dal-Tile c/o Blenden Law Firm PO Box 560326 Dallas, TX 75356	Last Date to File Claims: Last Date to File (Govt): Filing Status: Docket Status: Late: N
Claim Date: 11/13/2003	Amends Claim No: Amended By Claim No:	Duplicates Claim No: Duplicated By Claim No:
Class	Amount Claimed	Amount Allowed
Secured	\$9474.45	
Total	\$9474.45	
Description: <i>Disallow as Secured</i>		
Remarks: <i>allow as unsecured \$9,474.45</i>		

Claim No: 2	Creditor Name: General Motors Acceptance Corporation P O Box 901025 Fort Worth, TX 76101-2009	Last Date to File Claims: Last Date to File (Govt): Filing Status: Docket Status: Late: N
Claim Date: 02/02/2004	Amends Claim No: Amended By Claim No:	Duplicates Claim No: Duplicated By Claim No:
Class	Amount Claimed	Amount Allowed
Secured	\$15485.35	
Total	\$15485.35	
Description: <i>Disallow</i>		
Remarks:		

Claim No: 3	Creditor Name: eCAST Settlement Corporation, assignee of Providian National Bank P.O. Box 35480 Newark, NJ 07193-5480	Last Date to File Claims: Last Date to File (Govt): Filing Status: Docket Status: Late: N
Claim Date: 02/16/2004	Amends Claim No: Amended By Claim No:	Duplicates Claim No: Duplicated By Claim No:
Class	Amount Claimed	Amount Allowed
Unsecured	\$4575.32	
Total	\$4575.32	
Description:		
Remarks:		

Claim No: 4	<i>Creditor Name:</i> Discover PO Box 8003 Hilliard, OH 43206-8003	<i>Last Date to File Claims:</i> <i>Last Date to File (Govt):</i> <i>Filing Status:</i> <i>Docket Status:</i> <i>Late:</i> N
<i>Claim Date:</i> 02/18/2004	<i>Amends Claim No:</i> <i>Amended By Claim No:</i>	<i>Duplicates Claim No:</i> <i>Duplicated By Claim No:</i>
Class	Amount Claimed	Amount Allowed
Unsecured	\$9473.17	
Total	\$9473.17	
<i>Description:</i>		
<i>Remarks:</i>		

Claim No: 5	<i>Creditor Name:</i> American Express Centurion Bank c/o Becket and Lee, LLP P.O. Box 3001 Malvern, PA 19355-0701	<i>Last Date to File Claims:</i> <i>Last Date to File (Govt):</i> <i>Filing Status:</i> <i>Docket Status:</i> <i>Late:</i> N
<i>Claim Date:</i> 02/25/2004	<i>Amends Claim No:</i> <i>Amended By Claim No:</i>	<i>Duplicates Claim No:</i> <i>Duplicated By Claim No:</i>
Class	Amount Claimed	Amount Allowed
Unsecured	\$17553.41	
Total	\$17553.41	
<i>Description:</i>		
<i>Remarks:</i>		

Claim No: 6	<i>Creditor Name:</i> Capital One Bank P O Box 85167 Richmond, VA 23285	<i>Last Date to File Claims:</i> <i>Last Date to File (Govt):</i> <i>Filing Status:</i> <i>Docket Status:</i> <i>Late:</i> N
<i>Claim Date:</i> 03/29/2004	<i>Amends Claim No:</i> <i>Amended By Claim No:</i>	<i>Duplicates Claim No:</i> <i>Duplicated By Claim No:</i>
Class	Amount Claimed	Amount Allowed
Unsecured	\$11441.59	
Total	\$11441.59	
<i>Description:</i>		
<i>Remarks:</i>		

<p>Claim No: <u>7</u></p>	<p><i>Creditor Name:</i> Citibank/Choice Exception Payment Processing P O Box 6305 The Lakes, NV 88901-6305</p>	<p><i>Last Date to File Claims:</i> <i>Last Date to File (Govt):</i> <i>Filing Status:</i> <i>Docket Status:</i> <i>Late:</i> N</p>
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<i>Claim Date:</i> 04/19/2004	<i>Amends Claim No:</i> <i>Amended By Claim No:</i>	<i>Duplicates Claim No:</i> <i>Duplicated By Claim No:</i>
Class	Amount Claimed	Amount Allowed
Unsecured	\$16104.90	
Total	\$16104.90	
<i>Description:</i>		
<i>Remarks:</i>		

Claim No: 8	<i>Creditor Name:</i> MBNA America Bank PO Box 15168 MS 1423 Wilmington, DE 19850	<i>Last Date to File Claims:</i> <i>Last Date to File (Govt):</i> <i>Filing Status:</i> <i>Docket Status:</i> <i>Late:</i> N
<i>Claim Date:</i> 04/23/2004	<i>Amends Claim No:</i> <i>Amended By Claim No:</i>	<i>Duplicates Claim No:</i> <i>Duplicated By Claim No:</i>
Class	Amount Claimed	Amount Allowed
Unsecured	\$32978.26	
Total	\$32978.26	
<i>Description:</i> DISALLOW		
<i>Remarks:</i>		

Claims Register Summary

Case Name: Diane E. Foley

Case Number: 2003-44976

Chapter: 7

Date Filed: 10/28/2003

Total Number Of Claims: 8

	Total Amount Claimed	Total Amount Allowed
Unsecured	\$92126.65	68,622.84
Secured	\$24959.80	0
Priority		
Unknown		
Administrative		
Total	\$117086.45	68,622.84

PACER Service Center		
Transaction Receipt		
01/19/2006 15:48:13		
PACER	cm1174	Client

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	
	§	CASE NO. 03-44976
DIANE E. FOLEY	§	(Chapter 7)
	§	
DEBTOR(S)	§	

TRUSTEE'S REPORT OF
PROPOSED FINAL DISTRIBUTIONS

The undersigned trustee of the estate hereby submits to the Court and to the United States Trustee this Report of Proposed Final Distributions.

1. The Court has entered orders which have become final, and which dispose of all objections to claims, all applications for compensation, and all other matters which must be determined by the Court before final distribution can be made.

2. The trustee proposes to make final distribution of the funds of the estate as follows, and will make such distribution upon certification by the U.S. Trustee unless written objection thereto is filed and served on the trustee and on the U.S. Trustee.

03-44976 DIANE FOLEY

1 Balance on hand		\$4,179.38
2 Administrative Expenses to be paid (see attached schedule of payees and amounts)	\$1,546.04	
3 Priority Claims to be paid (see attached schedule of payees and amounts)	\$0.00	
4 Secured Claims to be paid (see attached schedule of payees and amounts)	\$0.00	
5 Unsecured Claims to be paid (see attached schedule of payees and amounts)	\$2,633.34	
6 Miscellaneous distributions to be paid (see attached schedule of payees and amounts) Surplus to Debtor		
7 Total Distributions to be made.	\$4,179.38	
8 Zero Balance		\$0.00

/s/ Christopher J. Moser
Christopher J. Moser
2001 Bryan Street, Suite 1800
Dallas, Texas 75201

PROPOSED DISTRIBUTION

Case Number: 03-44976 BTR

Page 1

Date: January 19, 2006

Debtor Name: FOLEY, DIANE E

Claim #	Payee Name	Class	Priority	Amt Claimed * Amt Allowed	Paid to Date	Claim Balance	Proposed Pymt	Funds Remaining
Beginning Balance								\$4,179.38
Claim Type -								
	CHRISTOPHER J. MOSER COMPENSATION	Admin		\$1,546.04 * \$1,546.04	\$0.00	\$1,546.04	\$1,546.04	\$2,633.34
				Percent Paid: 100.0000 %				
	CHRISTOPHER J. MOSER EXPENSES	Admin		\$0.00 * \$0.00	\$0.00	\$0.00	\$0.00	\$2,633.34
Subtotal For Claim Type				\$1,546.04 * \$1,546.04	\$0.00	\$1,546.04	\$1,546.04	
Subtotals For Class Administrative				100.0000 %	\$1,546.04 * \$1,546.04	\$0.00	\$1,546.04	\$1,546.04
Claim Type 7100-00 - General Unsecured 726(a)(2)								
000001	Dal-Tile	Unsec	070	\$9,474.45 * \$9,474.45	\$0.00	\$9,474.45	\$363.57	\$2,269.77
				Percent Paid: 3.8374 %				
000003	eCAST Settlement Corporation, assignee	Unsec	070	\$4,575.32 * \$4,575.32	\$0.00	\$4,575.32	\$175.57	\$2,094.20
				Percent Paid: 3.8373 %				
000004	Discover	Unsec	070	\$9,473.17 * \$9,473.17	\$0.00	\$9,473.17	\$363.53	\$1,730.67
				Percent Paid: 3.8375 %				
000005	American Express Centurion Bank	Unsec	070	\$17,553.41 * \$17,553.41	\$0.00	\$17,553.41	\$673.60	\$1,057.07
				Percent Paid: 3.8374 %				
000006	Capital One Bank	Unsec	070	\$11,441.59 * \$11,441.59	\$0.00	\$11,441.59	\$439.06	\$618.01
				Percent Paid: 3.8374 %				
000007	Citibank/Choice	Unsec	070	\$16,104.90 * \$16,104.90	\$0.00	\$16,104.90	\$618.01	\$0.00
				Percent Paid: 3.8374 %				
Subtotal For Claim Type 7100-00				\$68,622.84 * \$68,622.84	\$0.00	\$68,622.84	\$2,633.34	
Subtotals For Class Unsecured				3.8374 %	\$68,622.84 * \$68,622.84	\$0.00	\$68,622.84	\$2,633.34
<< Totals >>				\$70,168.88 \$70,168.88	\$0.00	\$70,168.88	\$4,179.38	\$0.00

Proposed distribution is dependent on the Court's rulings on administrative expenses, contest of claims, and/or objections made to this proposed distribution.



QUILLING • SELANDER • CUMMISKEY • LOWNDS

Federal ID #75-2459334

Trustee - CJM Trustee 7 Cases

Page: 1
09/30/2005

Client No: 3001-0167H
Invoice No: 33386

Re: Diane E. Foley

ITEMIZED SERVICES BILL

Hours

01/22/2004 CJM

Prepared Application to Employ
(.5); Prepared Affidavit (.1); Prepared Order
(.2) PC7 0.80 200.00

KH Request for bar date. PC4 0.30 18.00

02/11/2004 CJM

Prepared Motion to Settle (1.2); Prepared Order
(.3); Prepared Settlement Agreement (.8); PC10 2.30 575.00

Re: Diane E. Foley

Hours

	AP	Search for case on Pacer (.10) Search and print out docket sheet/schedules (.10) Enter all assets onto TCMS (.20)	PC4	0.40	24.00
04/22/2004	VR	Review of case, emails with Kim and Chris regarding Motion to Enforce.	PC2	0.20	12.00
04/26/2004	VR	Bank deposit from Kim or Brian Brown.	PC2	0.30	18.00
10/20/2004	EAZ	Conferences with L. Scurlock and C. Moser regarding judgment collection and strategy.	PC1	0.30	64.50
10/25/2004	EAZ	Conference with L. Scurlock regarding strategy for collecting on judgment and work on strategy.	PC1	0.50	107.50
11/04/2004	HMJ	Work on objections to claims; Review bar date and docket sheet entries (.1); Review claims register, schedules, and supporting documentation (.4).	PC5	0.50	87.50
11/05/2004	HMJ	Work on objections to claims; Prepare objection to claim No. 1 of Dal Tile (.4); Prepare order (.2); Prepare objection to claim No. 2 of GMAC (.4); Prepare order (.2); Prepare objection to claim No. 8 of MBNA (.5); Prepare order (.2).	PC5	1.90	332.50
11/15/2004	HMJ	Work on objections to claims; Print and review fax from M.Blenden regarding objection to claim of Dal-Tile(.2); Review proof of claim No. 1 of Dal-Tile, supporting documentation, and objection	PC5		

Re: Diane E. Foley

			Hours	
		thereto(.3); Draft email to M.Blenden with copy to trustee regarding secured claim of Dal-Tile, collateral, and possibility of agreed order on treatment as partially undersecured claim(.3).	PC5 0.80	140.00
11/22/2004	HMJ	Work on objections to claim; Review several emails from M. Blenden, attorney for Dal-Tile, regarding objection to claim (.2); Review objection to claim of Dal-Tile Prepare and accompanying order (.2); Prepare agreed order on objection to claim of Dal-Tile (.3); Transmit same to M. Blenden for agreement and signature (.1).	PC5 0.80	140.00
11/24/2004	HMJ	Work on objections to claims; Review emails to M. Blenden regarding proof of claim (.1); Phone call to M. Blenden regarding agreed order (.1); Email to M. Blenden regarding follow up on same (.1).	PC5 0.30	52.50
11/29/2004	HMJ	Work on claims objections, Email to M. Blenden regarding agreed order on objection to claim of Dal-Tile (.1); Review agreed order submitted by M. Blenden (.1); Prepare same for electronic filing and upload (.1).	PC5 0.30	52.50
12/02/2004	EAZ	Factual investigation and research regarding whether judgment lien released by release of lien and regarding whether judgment lien occurred prior to quitclaim to ex-wife of judgment debtor and whether can be foreclosed (.5); review Denton County, Wise County, and internet for real property records and evidence of other potentially non-exempt assets owned by judgment debtor B. Brown (.8); telephone conferences with bankruptcy attorney for attorney for D. Foley regarding judgment and whether abstracted and knowledge of assets (.3).	PC1 1.60	344.00
12/07/2004	EAZ	Telephone conferences with state court attorney for debtor regarding judgment against B. Brown, whether abstracted, date of quitclaim, and potential assets (.4); Telephone conference with and draft letter to P. Fielder regarding bank account investigation (.5); Review Motion to Approve Settlement, Order from court approving settlement, and judgment and determine whether we can now garnish B. Brown accounts and whether we can garnish for delinquent payments, full amount of settlement, or full amount of judgment (.5); Draft abstract of judgment for Wise, Tarrant, and Denton counties (.5).	PC1 1.90	408.50
12/14/2004	EAZ	Review results of bank account investigation and follow up with attorney for debtor in to get copy of Judgment against B. Brown (.4); Review correspondence and default judgment against attorney for B. Brown(.2); Review property records of Wise, Denton, and Tarrant counties, and reverse telephone directories, to find current address of B. Brown and K. Brown (.5); Work on abstracts of judgment against B. Brown (.3); Work on	PC1	

Re: Diane E. Foley

			Hours	
		garnishment against B. Brown (.5).	1.90	408.50
				PC1
12/16/2004	VR	On line background search for social security number of Brian Brown in order to collect on Judgment.	0.50	30.00
				PC1
	EAZ	Attempt to find social security number, full legal name, and driver's license number for B. Brown for purposes of garnishment application and abstracts of judgment and conference with L. Powell regarding same (.5); Work on Application for Writ of Garnishment and Affidavit in support of Writ of Garnishment (.6); Revise and finalize abstracts of judgment against B. Brown and review results of Accurant search from L Powell regarding B. Brown and K. Brown (.5).	1.60	344.00
				PC10
	EAZ	Find service date of garnishment on bank, calculate deadline, determine date for renewed bank balance check, and conference with paralegal for garnished bank.	0.30	64.50
				PC10
01/19/2005	EAZ	Telephone conferences with paralegal to attorney for Compass Bank regarding updated balance check on garnished account.	0.30	64.50
				PC10
01/24/2005	EAZ	Telephone conference with attorneys for Compass bank regarding balance in B. Brown account and non-suit, review correspondence from same, and conference with C. Moser regarding balance and non-suit (.3); Conference with C. Price regarding non-suit and work on Motion for Non-suit and Order of Non-suit (.4); Draft letter to B. Brown regarding garnishment and additional actions to execute on assets (.3).	1.00	215.00
				PC10
01/27/2005	EAZ	Telephone conferences with K. Brown regarding garnishment and Brian Brown assets and place of employment.	0.30	64.50
				PC10
02/10/2005	EAZ	Telephone conferences with K. Brown regarding B. Brown whereabouts, work address, and assets (.5); work on subpoena duces tecum and conference with C. Price regarding same (.5); attempts to reach B. Brown and telephone conference with B. Brown regarding payment to be made by B. Brown before end of February (.5).	1.50	322.50
				PC1
02/23/2005	EAZ	Telephone conferences with B. Brown and RnR Motors for purposes of getting Brown payment.	0.50	107.50
				PC1
03/22/2005	EAZ	Research regarding whether post-judgment deposition can be taken of Brian Brown in state court case based on Trustee's assumption of the judgment without substituting, assignment, or notice of appearance, and work on notice of post-judgment deposition and duces tecum.	1.00	215.00
				PC10

Re: Diane E. Foley

			Hours	
03/23/2005	EAZ	Multiple attempts to reach B. Brown on various dates (.3); work on Motion for 2004 examination and Order granting Motion for 2004 examination and conference with C. Price regarding filing (.5).	PC10 0.80	172.00
03/24/2005	CP	Electronically filed motion for 2004 examination of Brian Brown.	PC10 0.10	6.00
03/31/2005	EAZ	Telephone conference with Kim Brown regarding Brian Brown whereabouts and service of 2004 documents, and revise certificates of service.	PC10 0.30	64.50
04/05/2005	EAZ	Review executed order regarding 2004 examination, telephone conference with RnR Motors (B. Brown place of business) and attempts to reach B. Brown on his cell phone regarding 2004 examination, and draft transmittal to B. Brown and conference with C. Price regarding same regarding order on motion for 2004 examination.	PC10 0.70	150.50
04/18/2005	EAZ	Prepare for 2004 examination of B. Brown (.3); misc. attempts to reach B. Brown and determine best method and service pre-requisites for sanction/enforcement of 2004 examination order (.5);	PC10 0.80	172.00
04/20/2005	EAZ	Continued attempts to reach and telephone conference with B. Brown regarding payment, 2004 examination order, and seeking monetary and criminal sanctions.	PC10 0.50	107.50
05/13/2005	EAZ	Multiple attempts to reach B. Brown, search for new residential address for B. Brown, review bankruptcy rules regarding whether service of 2004 order sufficient at place of employment by mail when residential address not known (.5); work on Motion and Order for sanctions for violating 2004 Order and work on state court subpoena duces tecum (.5).	PC10 1.00	215.00
05/19/2005	EAZ	Work on, revise, and finalize Motion to Compel and For Sanctions and Order Awarding Sanctions (.5); draft notice of issuance of subpoena duces tecum (.3); search zaba search and other internet sources for residential address for B. Brown and review bankruptcy rules of procedure regarding validity of service of individual at work address .5); work on, revise, and finalize subpoena duces tecum and notice of issuance of subpoena duces tecum (.4).	PC10 1.70	365.50
06/23/2005	EAZ	Review order setting "hearing" on Trustee's Motion to Compel and for Sanctions and draft letter to B. Brown regarding same.	PC10 0.50	107.50
	EAZ	Review order setting "hearing" on Trustee's Motion to Compel and for Sanctions and draft letter to B.	PC10	

Re: Diane E. Foley

			Hours	
		Brown regarding same.	PC10 0.50	107.50
06/24/2005	EAZ	Draft letter to B. Brown regarding hearing on motion to compel sanctions, deposition, and production of documents.	PC1 0.30	64.50
06/28/2005	EAZ	Preparation for deposition and attempt to contact B. Brown.	PC10 0.30	64.50
07/25/2005	EAZ	Draft amended proposed order for sanctions and to compel against Brian Brown, find documents needed for hearing on motion to compel, conference with C. Moser regarding same, conference with C. Price regarding uploading amended proposed order.	PC10 0.50	107.50
07/26/2005	CJM	Prepared Order per Court's ruling (.4).	PC10 0.40	100.00
	EAZ	Conference with C. Moser regarding result of hearing on motion to compel/sanctions, review and revise proposed order, and review hearing notice from court (.5); conferences with B. Brown regarding potential arrest by US Marshalls, demanding payment, and working out arrangement for payment (.5).	PC10 1.00	215.00
08/04/2005	EAZ	Review Court's email notice regarding date of hearing regarding Brian Brown, draft email to S. Rasco regarding discrepancy in hearing dates, check Court's calendar for available September hearing date, review and reply to Rasco response.	PC10 0.50	107.50
08/09/2005	EAZ	Draft letter notifying of hearing to B. Brown and establishing date for 2004 production/examination, draft revised order, and draft email to S. Rasco regarding revised order.	PC10 0.50	107.50
08/11/2005	EAZ	Telephone conferences with calendar clerk regarding alternate date for hearing and corrected amended order, draft corrected amended order, file and email to calendar clerk corrected amended order.	PC10 0.50	107.50
08/12/2005	EAZ	Review and respond to emails from clerk regarding Amended Order on compel issues, and new settings, review entered, corrected, Amended Order on compel issues, draft letter to B. Brown regarding corrected, amended order.	PC10 0.50	107.50
09/19/2005	EAZ	Conferences with C. Moser regarding hearing on show cause against B. Brown and pull file materials and prepare C. Moser for show cause hearing.	PC10 0.30	64.50
09/20/2005	EAZ	Conferences with C. Moser regarding bench warrant for B. Brown and strategy.	PC10 0.30	64.50

Re: Diane E. Foley

			Hours	
09/23/2005	EAZ	Work on order directing bench warrant and conference with C. Moser regarding strategy (.3); find amount in estate, review IRS publications to determine if 2005 tax return threshold set yet and calculate amount that can be recovered before estate tax return required (.5); telephone conferences with B. Brown (.3); draft certificate of compliance (.5); draft letter to court urging release of bench warrant based on assurances of payment and compliance on Monday from B. Brown (.5).	2.10	451.50
09/26/2005	EAZ	Telephone conferences with B. Brown regarding 2004 examination, contempt order, and satisfaction of judgment (.5); conduct 2004 examination of B. Brown (1.4); work on motion to approve settlement with B. Brown (.7); work on settlement agreement (.7); work on order approving settlement agreement with B. Brown and conference with C. Moser regarding settlement (.5); work on satisfaction of judgment (.6).	4.40	946.00
09/27/2005	EAZ	Draft Order on Show Cause (.5); work on letter to Judge Rhoades regarding show cause and B. Brown compliance and conference with C. Moser regarding same (.5); work on settlement agreement with B. Brown and draft letter to B. Brown regarding same (.5); work on satisfaction of judgment (.5); work on Motion to Approve Settlement with B. Brown and Order Approving Settlement with B. Brown (.5).	2.50	537.50
09/28/2005	EAZ	Conference with C. Moser regarding additional order and conference with C. Price regarding filing of motion to approve and various orders (.3); draft additional Order on Show Cause (.5); draft email to S. Rasco regarding alternate orders and show cause (.3); find unpaid amount of judgment against B. Brown and finalize all documents relating to settlement with B. Brown and relating to show cause hearing (.3).	1.40	301.00
09/30/2005	EAZ	Follow ups with S. Rasco and conference with C. Moser regarding show cause hearing and whether Court will enter order cancelling show cause hearing (.3); work on fee application (1.8); work on order granting fee application (.5).	2.60	559.00
		For Current Services Rendered	47.10	\$9,784.50

Recapitulation

Timekeeper	Hours	Hourly Rate	Total
Christopher J. Moser	3.50	\$250.00	875.00
Eric A. Zukoski	37.20	215.00	7,998.00
Kim Hill	0.30	60.00	18.00
Christine Price	0.10	60.00	6.00
Valerie Radosevich	1.00	60.00	60.00
Alisa Phillips	0.40	60.00	24.00
Hudson Jobe	4.60	175.00	805.00

Trustee - CJM Trustee 7 Cases

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09/30/2005

Client No: 3001-0167H

Invoice No: 33386

Re: Diane E. Foley

Telecopies	27.00
Paid to ATECH Information Services for account balance update on Kim or Brian Brown/Invoice #2135	35.00
Recording fee for recording Abstract of Judgment.	14.00
Recording fee for recording Abstract of Judgment.	16.00
Service of Writ of Garnishment.	110.00
Witness fee	11.00
Process Service	110.00
Filing Fee for Application for Writ of Garnishment, Issuance of one writ and one notice.	191.00
Photocopies	51.00
Postage	38.56
Total Expenses Thru 09/30/2005	603.56
Total Current Work	\$10,350.62
Balance Due	<u>\$10,350.62</u>

NOTE: PLEASE REFERENCE THE CLIENT MATTER NO. WITH PAYMENT